

**S.R. 268** - By Mauzy: Extending congratulations to the Dallas Cowboys.

**ADJOURNMENT**

On motion of Senator Brooks the Senate at 11:45 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

**TWENTY-SECOND DAY**  
(Wednesday, February 18, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

A quorum was announced present.

The Reverend Sam McCutchen, Minister to Youth, Riverbend Baptist Church, Austin, offered the invocation as follows:

Father in Heaven,

We come today with thanksgiving being grateful for life and the opportunity and responsibility it alone affords.

Grant us wisdom today in our discussions and decisions so they might bring us to at oneness with You our Creator and with one another. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**MESSAGE FROM THE HOUSE**

House Chamber  
February 18, 1981

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 44**, Congratulating Dr. John D. Moseley, President of Austin College.

**H.C.R. 59**, Commending former State Representative Tom Massey.

**H.C.R. 52**, Recognizing the month of February as Afro-American History Month.

**H.C.R. 54**, Congratulating the First Baptist Church of Sweetwater on its 100th anniversary.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**BILL SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

**S.B. 143**

**CO-AUTHOR OF SENATE BILL 297**

On motion of Senator Williams and by unanimous consent, Senator Ogg will be shown as Co-author of **S.B. 297**.

**CO-AUTHOR OF SENATE BILL 489**

On motion of Senator Brooks and by unanimous consent, Senator Ogg will be shown as Co-author of **S.B. 489**.

**REPORTS OF STANDING COMMITTEES**

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 327**

**S.B. 146**

**S.B. 301**

**C.S.S.B. 325** (Read first time)

Senator Blake submitted the following report for the Committee on Administration:

**S.C.R. 34**

**S.R. 256**

Senator Jones submitted the following report for the Committee on Finance:

**C.S.S.B. 196** (Read first time)

**C.S.S.B. 97** (Read first time)

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

**S.B. 454**

**S.B. 293**

**S.B. 372**

**S.B. 297**

**C.S.S.B. 190** (Read first time)

**C.S.S.B. 242** (Read first time)

Senator Snelson submitted the following report for the Committee on Education:

**S.B. 50** (Amended)

**C.S.S.B. 29** (Read first time)

Senator McKnight submitted the following report for the Subcommittee on Nominations:

**TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:**

We, your Subcommittee on Nominations, to which were referred the following appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be Members of the BOARD OF DIRECTORS - TEXAS HOUSING AGENCY: Savladore Canchola, El Paso County; Mrs. Katherine Crumley, San Jacinto County; C. W. Hetherly, Jr., Travis County; Wade T. Nowlin, Tarrant County; Bookman Peters, Brazos County; Dr. James P. Ritter, Jefferson County; Ricks Wilson, Bexar County.

To be Members of the TEXAS HISTORICAL COMMISSION: Richard H. Collins, Dallas County; Mrs. Albert G. Hill, Dallas County.

To be EXECUTIVE DIRECTOR - TEXAS DEPARTMENT OF COMMUNITY AFFAIRS: Sidney M. Wieser, Lampasas County.

To be a Member of the BOARD OF REGENTS - NORTH TEXAS STATE UNIVERSITY: E. E. Stuessy, Travis County.

To be Members of the BOARD OF REGENTS - THE UNIVERSITY OF TEXAS SYSTEM: Mrs. Dolph (Janey) Briscoe, Uvalde County; Mrs. Beryl Buckley Milburn, Travis County; Tom B. Rhodes, Dallas County.

To be Members of the TEXAS COLLEGE AND UNIVERSITY SYSTEM COORDINATING BOARD: Mrs. Beryl Buckley Milburn, Travis County; Tom B. Rhodes, Dallas County.

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator McKnight gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

#### **SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.B. 606** by Snelson

Human Resources

Relating to regulation of professional counselors; providing a penalty.

**S.B. 607** by Snelson State Affairs  
Relating to a nonsubstantive revision of the laws governing certain public retirement systems.

**S.B. 608** by Traeger Intergovernmental Relations  
Amending Section 3(a), of the Certificate of Obligation Act, Article 2368a.1, Vernon's Texas Civil Statutes, authorizing certificates of obligation for the purchase of buildings.

**S.B. 609** by Traeger Intergovernmental Relations  
Relating to the refunding of certain bonds and other obligations of cities, towns, and villages.

**S.B. 610** by Ogg, Traeger State Affairs  
Relating to the adoption of an election code; providing penalties.

**S.B. 611** by Doggett Jurisprudence  
Relating to the evidence of a claim or account in certain actions.

**S.B. 612** by Doggett State Affairs  
Relating to the payment of additional death benefits to former employees of the Central Education Agency.

**S.B. 613** by Ogg State Affairs  
Relating to the deadline for filing an application for a place on a primary election ballot.

**S.B. 614** by Ogg, Mengden State Affairs  
Relating to proof of financial responsibility on registration of a motor vehicle and on application for a driver's license and maintenance of proof of financial responsibility.

**S.B. 615** by Ogg State Affairs  
Relating to the time for a canvass of an election by the state canvassing board.

**S.B. 616** by Leedom Human Resources  
Relating to the requirement of informed consent as a prerequisite to an abortion; providing a penalty.

**S.B. 617** by Leedom Finance  
Relating to an exemption for incorporated cities and towns, counties, and school districts from the gasoline and diesel fuel taxes.

**S.B. 618** by Short, Farabee Natural Resources  
Relating to the territory, powers, and financing of the Colorado River Municipal Water District, and the relationships of other persons and governmental entities with the district.

**S.B. 619** by Parker Economic Development  
Relating to removing from the ambit of the Deceptive Trade Practices-Consumer Protection Act transactions between sophisticated business concerns; and declaring an emergency.

**S.B. 620** by Glasgow Human Resources  
Relating to the functions of the housing division of the Texas Department of Community Affairs.

**S.B. 621** by Glasgow Finance  
Relating to the taxation of commercial uses of gas and electricity.

**S.B. 622** by Travis Finance  
Relating to the qualifications for serving on the board of directors of an appraisal district.

**S.B. 623** by Santiesteban Human Resources  
Relating to the certification of social work practitioners; providing penalties.

**S.B. 624** by Brooks Human Resources  
Relating to authorizing dentists to take case histories and perform physical examinations under certain circumstances; amending Chapter 9, Title 71, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 4451k.

**S.B. 625** by Brooks Human Resources  
Relating to the expenses of the members of and adequate funding for the Texas Board of Health Dental Advisory Committee; amending Article 4418g-1, Revised Civil Statutes of Texas, 1925, by amending Subsection (e), Section 1, and adding a new Section 3A.

**S.B. 626** by Doggett Jurisprudence  
Relating to the certification of court reporters and the regulation of shorthand reporting for use in litigation.

**S.B. 627** by Doggett Human Resources  
Relating to continuation of the State Board of Pharmacy and regulation of pharmacists and pharmacies; providing penalties.

**S.B. 628** by Jones, Sarpalius Economic Development  
Relating to alternative ceilings on rates of interest or time price differential applicable to certain transactions.

**S.B. 629** by Glasgow Jurisprudence  
Relating to workers' compensation insurance coverage of sub-contractors as defined herein.

**S.B. 630** by Snelson Human Resources  
Relating to the establishment of a statewide system of early childhood intervention programs for certain handicapped children.

**S.R. 276** by Doggett Administration  
Declaring February 25, 1981, Soviet Jewry Solidarity Day in Texas.

#### SENATE CONCURRENT RESOLUTION 43

Senator Doggett offered the following resolution:

**S.C.R. 43**, In memory of James W. Wimberly.

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

**GUEST PRESENTED**

Senator Doggett presented to the Members Mrs. Dorothy Wimberly.

**SENATE BILL 373 ON SECOND READING**

On motion of Senator Short and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 373**, Relating to the use of pentobarbital to destroy animals.

The bill was read second time.

Senator Short offered the following committee amendment to the bill:

AMEND **S.B. 373** by adding the words "denatured sodium" in front of the word "pentobarbital" on lines 2, 18, and 23.

The committee amendment was read and was adopted.

On motion of Senator Short and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**SENATE BILL 373 ON THIRD READING**

Senator Short moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 373** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed.

**SENATE BILL 365 ON SECOND READING**

On motion of Senator Vale and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 365**, Relating to the manufacture of alcohol for fuel and other nonbeverage purposes and to permits and fees; amending Sections 38.05, 47.01, 47.02, and 47.05, Alcoholic Beverage Code.

The bill was read second time and was passed to engrossment.

**SENATE BILL 365 ON THIRD READING**

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 365** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed.

#### **MOTION TO PLACE SENATE BILL 118 ON SECOND READING**

Senator Harris moved that Senate Rules 12 and 89 be suspended and that S.B. 118 be taken up for consideration at this time:

**S.B. 118**, Relating to deductions from state officers' and employees' compensation. (Submitted by the Governor as an emergency)

The motion was lost by the following vote: Yeas 19, Nays 10. (Not receiving two-thirds vote of the Members present)

Yeas: Andujar, Blake, Brown, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Mengden, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Wilson.

Nays: Brooks, Caperton, Doggett, Kothmann, Mauzy, Parker, Santiesteban, Truan, Vale, Williams.

Absent: Ogg.

#### **SENATE BILL 369 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 369**, Relating to state regulation of corporations.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 369 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 369** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

#### **SENATE BILL 88 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 88**, Relating to the sale and use of fireworks.

The bill was read second time and was passed to engrossment.

**SENATE BILL 88 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 88** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed.

**SENATE BILL 185 ON SECOND READING**

On motion of Senator Snelson and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 185**, Relating to the pay grade of public school personnel in services related to special education.

The bill was read second time and was passed to engrossment.

**SENATE BILL 185 ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 185** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 351 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 351**, Relating to the maximum amount of life insurance coverage that can be sold to an individual under a group policy.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Amend **C.S.S.B. 351**, Section 1, Subdivision (1), line 2, by adding a comma after the word "employer" and then adding the words "which employer" before the following words "or trustees".

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.